

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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FALLS LAKE NATIONAL INSURANCE COMPANY, Docket No.: 1:20-cv-02187-LGS

Plaintiff,,
-against-

LELCAJ CONSTRUCTION LLC,
CHUBB NATIONAL INSURANCE COMPANY
A/S/O ADI ALTMARK, ADI ALTMARK, and
DELPHINE PUYBAREAU-MANAUD,

Defendants,

STIPULATION, ORDER
JUDGMENT OF RESCISSION,
AND RELEASE OF CLAIMS

SO ORDERED.

The Clerk of the Court is respectfully
requested to close this matter.

Dated: July 24, 2020

New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

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Plaintiff FALLS LAKE NATIONAL INSURANCE COMPANY (“FALLS LAKE”) and
defendants LELCAJ CONSTRUCTION LLC (“LELCAJ”), CHUBB NATIONAL INSURANCE
COMPANY A/S/O ADI ALTMARK (“CHUBB”), ADI ALTMARK (“ADI”), and DELPHINE
PUYBAREAU-MANAUD (“PUYBAREAU-MANAUD”), agree as follows:

WHEREAS, FALLS LAKE has filed this action seeking, in part, a declaration as to the denial of coverage to LELCAJ, CHUBB NATIONAL INSURANCE COMPANY as subrogee of ADI ALTMARK, ADI ALTMARK, and DELPHINE PUYBAREAU-MANAUD, under the Commercial General Liability Policy No. SKP 2004617 10 (the “2018 Policy”) and the Commercial Umbrella Policy No. CUP 1204110 10 (the “2018 Umbrella Policy”), as to the claims and property damage asserted by CHUBB NATIONAL INSURANCE COMPANY as subrogee of ADI ALTMARK as well as claims by ADI ALTMARK for damage that allegedly occurred at or about 169 E 69th Street, New York, NY 10021, including Apartments 16c and 17b, on or about August 7, 2019, and

WHEREAS, FALLS LAKE also seeks in this action a declaration of rescission of the Commercial General Liability Policy No. SKP 2004617 10 issued by FALLS LAKE to LELCAJ

for the policy period December 28, 2018 to December 28, 2019 (the “2018 Policy”), the Commercial General Liability Policy No. SKP 2004617 11 for the policy period December 28, 2019 to December 28, 2020 (the “2019 Policy”), the Commercial Umbrella Policy No. CUP 1204110 10 for the policy period of December 28, 2018 to December 28, 2019 (the “2018 Umbrella Policy”), and the Commercial Umbrella Policy No. CUP 1204110 11 for the policy period of December 28, 2019 to December 28, 2020 (the “2019 Umbrella Policy”) (collective referred to as the “Policies”); and

WHEREAS defendants LELCAJ CONSTRUCTION LLC, CHUBB NATIONAL INSURANCE COMPANY A/S/O ADI ALTMARK, ADI ALTMARK, and DELPHINE PUYBAREAU-MANAUD, acknowledge that they have an opportunity to litigate the relief sought in this action, the parties have instead agreed to resolve all issues as between them in this action, and it is

NOW THEREFORE, in consideration of the recitals, representations and understanding contained herein, **STIPULATED, ORDERED and ADJUDGED** as follows:

1. FALLS LAKE, CHUBB NATIONAL INSURANCE COMPANY as subrogee of ADI ALTMARK, and ADI ALTMARK, by and through their undersigned counsel, stipulate and agree that they hereby release any and all claims against LELCAJ from the beginning of the world through the day and date of this release, including, but not limited to, the alleged damage claimed to have occurred at or about 169 E 69th Street, New York, NY 10021, including Apartments 16c and 17b, on or about August 7, 2019;
2. LELCAJ CONSTRUCTION LLC, CHUBB NATIONAL INSURANCE COMPANY A/S/O ADI ALTMARK, ADI ALTMARK, and DELPHINE PUYBAREAU-MANAUD stipulate and agree that there is no coverage for LELCAJ

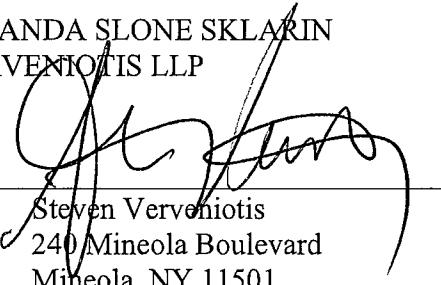
CONSTRUCTION LLC, CHUBB NATIONAL INSURANCE COMPANY as subrogee of ADI ALTMARK, ADI ALTMARK, and DELPHINE PUYBAREAU-MANAUD, under the 2018 Policy and 2018 Umbrella Policy for damage that allegedly occurred at or about 169 E 69th Street, New York, NY 10021, including Apartments 16c and 17b, on or about August 7, 2019; and

3. LELCAJ CONSTRUCTION LLC, CHUBB NATIONAL INSURANCE COMPANY A/S/O ADI ALTMARK, ADI ALTMARK, and DELPHINE PUYBAREAU-MANAUD stipulate and agree that the 2018 Policy, the 2018 Umbrella Policy, the 2019 Policy, the 2019 Umbrella Policy are deemed rescinded and hereby consent to the entry of this order and judgment declaring that the Policies are rescinded and deemed void as to have no effect, as to which the premium will be returned to LELCAJ; and
4. This stipulation shall not be construed as an admission of any wrongdoing or liability by LELCAJ CONSTRUCTION LLC, and LELCAJ CONSTRUCTION LLC explicitly denies that it is in any way responsible for the alleged damage that occurred on or about August 7, 2019 within either Apartment 16c or 17B, 169 East 69th Street, New York, New York 10021.
5. The Parties hereto acknowledge that each of them will bear their own costs, expenses and attorney's fees arising out or in any way connected to this stipulation.

Dated July 22, 2020

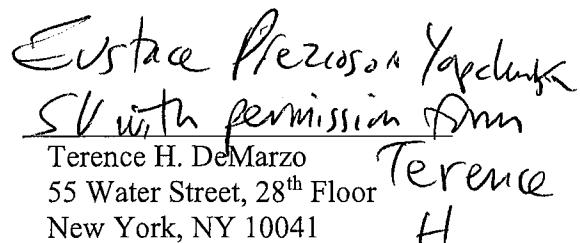
MIRANDA SLONE SKLARIN
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EUSTACE, PREZIOSO, & YAPCHANYK

By:

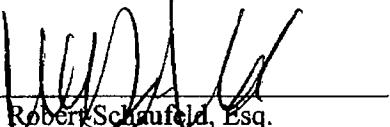

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(212) 612-4389
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CHUBB NATIONAL
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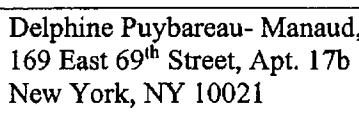
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DELPHINE PUYBAREAU-MANAUD


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SO ORDERED AND ADJUDGED:

SDNY

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DELPHINE PUYBAREAU-MANAUD



Delphine Puybareau-Manaud, individually
169 East 69th Street, Apt. 17b
New York, NY 10021

SO ORDERED AND ADJUDGED:

SDNY